

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

A telephone conversation was held on March 27, 2006 between the Examiner and Phyllis Kelly. The applicant would like to thank the Examiner for his time and consideration during the telephone conversation. During the telephone conversation, the Examiner confirmed that the present office action is a non-final office action and that paragraph 6 should be ignored.

Claims 1-18 are pending in this application.

Claims 1-5, 7, 9-12, and 14-18 are rejected under 35 U.S.C. §102(b) as being anticipated by McGrath.

Independent claim 1, as amended herein, recites in part as follows:

"... arranging said M attributes in N groups corresponding to each of said N grouped sound source signals so as to form N grouped attributes;

...

performing virtual localization processing on the readout N grouped sound source signals based on the control signal and the N grouped attributes so as to produce left and right stereo signals." (Emphasis added.)

In explaining the rejection, the Examiner appears to rely on rotation of means 6, conversion of means 8, and col. 7, line 53 to col. 8, line 54 of McGrath to teach the step of performing virtual localization processing in claim 1. It is respectfully submitted the portions of McGrath applied by the Examiner (hereinafter "McGrath") do not teach the above-recited features. That is, McGrath does not appear to disclose performing virtual localization processing "based on the control signal and the N grouped attributes," wherein the N grouped

attributes may be formed by "arranging said M attributes in N groups corresponding to each of said N grouped sound source signals." Accordingly, amended independent claim 1 is believed to be distinguishable from McGrath.

For similar or somewhat similar reasons, amended independent claims 9, 15, and 17 are believed to be distinguishable from McGrath.

Claims 2-5, 7, 10-12, 14, 16, and 18 depend from one of the dependent claims and, due to such dependency, are believed to be distinguishable from McGrath for at least the reasons previously described.

Claims 6, 8, and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over McGrath in view of Wyse et al. (WO 99/16049).

Claims 6, 8, and 13 depend from one of claims 1 and 9, and, due to such dependency, are believed to be distinguishable from McGrath for at least the reasons previously described. The Examiner does not appear to have relied on Wyse to overcome the above described deficiencies of McGrath. Accordingly, claims 6, 8, and 13 are believed to be distinguishable from the applied combination of McGrath and Wyse.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 23, 2006

Respectfully submitted,

By M.S.L.S.L  
Mayush Singhvi  
Registration No.: 50,431  
LERNER, DAVID, LITTENBERG,  
KRMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

664521\_1.DOC